



Meeting Minutes – Approved Minutes February 8, 2023

Physical location: 4305 S Louise Ave, Suite 201 Sioux Falls, SD

Online Location: <https://state-sd.zoom.us/j/97872470511?pwd=SVBNZmJoZ0hOMIM2RnBKQ213MERiQT09>

1. **Call to Order:** President Carla Borchardt called the meeting to order at 9:14 A.M. Central.
2. **Roll Call: Board Members Present via Zoom:** Carla Borchardt, Deborah Bowar, Denise Buchholz, Rebekah Craddock, Kristin Gabriel, Nathan Hinker, Christi Keffeler, Lori Koenecke, Lois Tschetter, Jenna VandenBos.

Board Members Absent: Darlene Bergeleen.

Board Staff Present via Zoom: Linda Young, Executive Director; Glenna Burg, Education Consultant; Erin Matthies, Licensure and Operations Manager; Francie Miller, Compliance Administrator; Lindsay Olson, Practice Consultant.

Counsel Present via Zoom: Megan Borchert, General Counsel to the Board; Shelly Munson, Board Prosecutor.

Others Present via Zoom: Regina Asuamah; Tori Buckler; Jenna Burgess; Stephanie Davis; Laura Dunn, Sinte Gleska University (SGU); Jason Green, Monument Health Attorney; Rhonda Jackman, SGU; Kyra Klinghagen; Jennifer Murray; Hannah Nerem; Stanley Omoruyi; Maria Piacentino, Health Professionals Assistance Program; Catherine Williamson, Administrative Law Judge (ALJ); Mark Porter; Terri Lembcke Schildhauer, Registered Court Reporter; Lundia Garmai Vankpana; Stephanie Zielinski; Hanna Williams; Hannah TenPas; Hunter Winklepleck. Other parties may have been in attendance for this public meeting.

3. **Agenda Approval:** Motion by Keffeler to approve the February 8, 2023, agenda. Second by Hinker. Motion carried.¹
4. **Open Forum:** Borchardt provided the opportunity for guests to address the Board, no one requested to do so.
5. **Approval of Minutes:** Motion by Tschetter to approve the minutes of November 9, 2022. Second by Bowar. Motion carried. Motion by Buchholz to approve the minutes of December 15, 2022. Second by Hinker. Motion carried.¹
6. **Compliance:** The acronym "HPAP" represents "Health Professionals Assistance Program".
 - a. Formal Hearings:
 1. Mark Porter, SD R031109, with ALJ Williamson presiding. Licensee served with notice. Licensee present. At the direction of ALJ Williamson, the Board moved into a closed session, pursuant to SDCL 1-25-2, for purpose of maintaining confidentiality of licensee health records. Following testimony, motion by Buchholz move into Executive Session, pursuant to SDCL 1-25-2(3), for purpose of consulting with legal counsel. Second by Koenecke. Motion carried. The Board went into Executive Session at 10:41 A.M. The board moved out of Executive Session at 10:49 P.M.

Motion by Tschetter to mandate Mark Porter, SD R031109, into the South Dakota HPAP program with a stayed suspension while he complies with program requirements. If Mark Porter is unsuccessfully discharged from, or refuses to participate in HPAP, Mark Porter's license will be immediately and automatically suspended. Second by Bowar. Motion carried.

Bergeleen	Absent	Buchholz	Recuse	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 8 Yes	

2. Stephanie Zielinski, SD R051172, with ALJ Williamson presiding. Licensee served with notice. Licensee present. Following testimony, at the direction of ALJ Williamson, the Board moved into closed session at 1:00 P.M, pursuant to SDCL 1-25-2(3), for purpose of consulting with legal counsel. The board moved out of Executive Session at 1:18 P.M.

Motion by Keffeler to mandate Stephanie Zielinski; SD R051172, into the South Dakota HPAP program with a stayed suspension while she is compliant with program requirements. Second by Buchholz. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 9 Yes	

3. Lundia Garmai Vankpana, SD P013075, with ALJ Williamson presiding. Licensee served with notice. Licensee present. Following testimony, at the direction of ALJ Williamson, the Board moved into closed session at 4:08 P.M, pursuant to SDCL 1-25-2(3), for purpose of consulting with legal counsel. The board moved out of Executive Session 5:05 P.M.

¹All motions taken by roll call, unless otherwise stated. Unanimous motions with all "Yes" votes are recorded as "motion carried".

Motion by Tschetter to order Lundia Vankpana, SD P013075, to complete a board approved LPN refresher course. The board waives the summary suspension of Lundia Vankpana for the specific purpose of applying for a limited license for the completion of the clinical requirements of the refresher course. Second by Hinker. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Yes	Koenecke	Yes	Votes: 9 Yes	

- b. Compliance Committee Recommendations – Licensed: Miller submitted the following recommendations from the Compliance Committee:

- Settlement Offer – Letter of Concern: Case #1 M,B.; Case #2 M.P.; Case #3 B.J.; Case #4 L.A.;
- Settlement Offer – Letter of Concern with Remediation: Case #1 T.T.; Case #2 W.A.; Case #3 D.P.;
- Settlement Offer – Letter of Reprimand-with Mandated Assessment by HPAP: Case #1 Amanda Waite, SD R055578; Case #2 Debra High, SD R032442;
- Settlement Offer – Letter of Reprimand-with Mandated Participation in HPAP and Stayed Suspension: Case #1 Ashley Schuldt, SD R034025;
- Settlement Offer – Mandated Participation in HPAP and Stayed Suspension: Case #1 Amanda Boskey, SD R047352; Case #2 Sierra Krogstad, SD R048054.
- Settlement Offer – Voluntary Surrender: Case #1 Steven Davis, SD R031299, CP001040;
- Settlement Offer – Voluntary Surrender Privilege to Practice and Denial of License: Case #1 Kristel Dyer, TX PN 207758;
- Settlement Offer – Denial of License: Case #1 Eric Gyimah, SD-RN-Applicant; Afia Johnson, SD-RN-Applicant.

Motion by Tschetter to accept the recommendations of the Compliance Committee as presented and outlined in the Compliance Committee Consent Agenda for licensed nurses. Second by Keffeler. Motion carried.

Bergeleen	Absent	Buchholz	Recuse	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 7 Yes	

- c. Dismissal Reporting – Licensed: Miller presented a report of Investigative Dismissals, pursuant to SDCL 36-1C-4.
- d. Compliance Committee Recommendations – Registrants: Miller submitted the following recommendations from the Compliance Committee:
- Letter of Reprimand: Case #1 James McMains, M006525; Case #2 Tor Nyamijwok, M011413; Case #3 Mark McComas, M010761.

Motion by Koenecke to accept the recommendations of the Compliance Committee as presented and outlined in the Compliance Committee Consent Agenda for Registrants. Second by Bowar. Motion carried.

Bergeleen	Absent	Buchholz	Recuse	Hinker	Yes	Tschetter	Yes
Borchardt	Recuse	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 7 Yes	

- e. Dismissal Reporting – Registrants: Miller stated that there were no Investigative Dismissals to report, pursuant to SDCL 36-1C-4.
- f. Additional Compliance Cases: Miller reported that there were no additional cases.
- g. Licensee Correspondence: Miller reported that no licensee correspondence was received.
- h. FBI Fraudulent Nursing Schools Investigation: Operation Nightingale: Miller shared information from the Miami Herald article, *Federal agents arrest slew of suspects in Florida nursing school diploma scam*, dated January 25, 2023.

7. **HPAP Quarterly Report:** Young presented the SDBON HPAP Quarterly Report for the monitoring of substance use or mental health related issues. An average of 90 participants were enrolled in 2022; 63% of participants were voluntarily enrolled and 37% were board mandated. In January 2023 there were 84 participants enrolled.
8. **Financial Report:** Matthies presented the SDBON FY 23 income and expense statement for July - December 2022. Motion by Buchholz to approve the financial report as presented. Second by Tschetter. Motion carried.¹
9. **Licensure and Operations Report:** Matthies reported that as of January 2023, the Board had 19,248 licensed registered nurses, 2,674 licensed practical nurses, 54 certified nurse midwives, 1,691 certified nurse practitioners, 54 clinical nurse specialists, 513 certified registered nurse anesthetists, 9,769 registered certified nurse aides, and 5,508 unlicensed medication aides.

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10. Nursing Education:

- a. Nursing Education Committee (NEC) Recommendations: Burg submitted the following recommendations from the NEC:
 1. Grant ongoing approval of the following undergraduate nursing education programs for 2023:
 - a. Augustana University – BSN (Full)
 - b. Dakota Wesleyan University – BSN (Full)
 - c. Lake Area Technical College – AD RN (Full) and PN (Full)
 - d. Mitchell Technical College – AD RN (Interim Continuing) and PN (Full)
 - e. Mount Marty University – BSN (Full)
 - f. Oglala Lakota College – AD RN (Full)
 - g. Presentation College – BSN (Full) and PN (Interim)
 - h. Sinte Gleska College – PN (Probation)
 - i. Sisseton Wahpeton – PN (Full)
 - j. South Dakota State University – BSN (Full)
 - k. Southeast Technical College – AD RN (Full) and PN (Full)
 - l. University of Sioux Falls – BSN (Full)
 - m. University of South Dakota - BSN (Full)
 - n. Western Dakota Technical College – AD RN (Interim Continuing) and PN (Full)
 2. Grant ongoing approval of the following advanced practice registered nurse programs for 2023:
 - a. Augustana University – Nurse Practitioner (Interim) and Clinical Nurse Specialist (Interim)
 - b. Mount Marty University – Nurse Practitioner (Full) and Nurse Anesthesia (Full)
 - c. Presentation College – Nurse Practitioner (Full)
 - d. South Dakota State University – Nurse Practitioner (Full)
 - e. University of South Dakota – Nurse Anesthesia (Prerequisite)*
 3. Grant approval of the 2022 final NCLEX pass rate report. By April 10, 2023, the following programs shall submit a detailed action plan for improvement of the NCLEX scores for failure to meet the 75% pass rate for 2 consecutive measuring periods:
 - a. Oglala Lakota College – AD RN
 - b. Sinte Gleska University – PN
 - c. Sisseton Wahpeton College – PN
 - d. Western Dakota Technical College – AD RN
 4. Grant acceptance of University of South Dakota's Nurse Anesthesia Program notification of accreditation by the Council on Accreditation of Nurse Anesthesia Education Programs (COA) and approval of their request to move to full approval status
 5. Grant approval of Lake Area Technical College's curriculum changes
 6. Grant approval of Sisseton Wahpeton College's correction of deficiencies identified in the September 2022 Survey Report
 7. Grant approval of the 2022 RN and LPN refresher program report and ongoing approval for 2023
 - a. South Dakota State University
 - b. Minnesota State Community and Technical College Workforce Development Solutions
 8. Informational Only – No Action Requested
 - a. Mount Marty University CCNE accreditation notice for BSN program
 - b. LPN scholarship thank you notes

Motion by Buchholz to accept the recommendations of the NEC on the Education Consent Agenda. Second by Bowar. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Recuse
Borchardt	Yes	Craddock	Yes	Keffeler	Recuse	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 7 Yes	

- b. Sinte Gleska University Report: Burg presented a status update from SGU related to student progression.

Motion by Buchholz to accept SGU status update related to student progression. Second by Hinker. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 9 Yes	

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- c. Presentation College Closure Notification: Burg presented the letter of notice; she informed members that the college is finalizing details and that more information will be shared at the August 2023 board meeting.
- d. Other: no other information was reported.

11. Nursing Practice:

- a. CNM Out-of-Hospital Report: Olson presented the 2022 report on out-of-hospital (OOH) births that were attended by 13 of the 15 CNMs who were approved by the BON to attend OOH births, and who agreed to comply with the BON's OOH Practice Agreement. In 2022, a total of 198 women requested an OOH birth, 178 delivered in an OOH setting, seven were referred for a hospital birth, and 13 were transported during labor to a hospital.

12. SD Center for Nursing Workforce (CNW):

- a. SDAHO Request for 2023 Nurse Leadership Program Support: Olson presented the proposed request for \$2,000 to support SDAHO's 2023 Nursing Leadership Program.

Motion by Tschetter to approve \$2000 to support the SDAHO 2023 Nursing Leadership Program paid through the CNW. Second by Keffeler. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Yes	Keffeler	Yes	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 9 Yes	

13. Policy:

- a. Delegation and Registration Rules Update: Young provided an update on the implementation of the new rules in 20:48:04.01.
- b. Legislative Update: Young provided an overview of South Dakota bills that may impact nurses.

- 14. **Executive Session:** Motion by Buchholz to move into Executive Session, pursuant to SDCL 1-25-2(4), for purpose of preparing for contract negotiations. Second by Tschetter. Motion carried. The Board went into Executive Session at 5:49 P.M. The board moved out of Executive Session at 6:07 P.M.

Motion by Tschetter to contract with Midwest Health Management Services (MWHMS) to operate the Board's HPAP for fiscal years 2024 and 2025 for a fixed annual amount of \$3000 per participant, or approximately \$300,000 annually. The Board's share of participation costs, paid annually to MWHMS will be for FY 2024, \$175,000; and FY 2025, \$150,000. Second by Hinker. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Yes	Keffeler	Absent	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 8 Yes	

Motion by Koenecke to explore the use of the *Optimal Regulatory Board System* (ORBS) web-based licensure software, to allow travel for up to three staff to visit a Board of Nursing using ORBS, and the technology contract requirements. Second by Buchholz. Motion carried.

Bergeleen	Absent	Buchholz	Yes	Hinker	Yes	Tschetter	Yes
Borchardt	Yes	Craddock	Yes	Keffeler	Absent	VandenBos	Yes
Bowar	Yes	Gabriel	Absent	Koenecke	Yes	Votes: 8 Yes	

15. External Meeting Reports:

- a. NCSBN EO Orientation Meeting: Young provided a report of the meeting.

16. Announcements:

a. Future Board Meetings: 5/10/2023; 8/9/2023; 11/15/2023; 2/6/2024; 5/7/2024; 8/6/2024; 11/6/2024
b. NCSBN Midyear Meeting: March 28-30, 2023; Seattle, WA
c. NCSBN APRN Roundtable: April 11, 2023; Virtual
d. NCSBN Annual Meeting: August 16-18, 2023

- 17. Motion to adjourn by Tschetter. Second by Buchholz. Motion carried in unanimous voice vote.¹ Meeting adjourned at 6:13 P.M.

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